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Liles, R. Limon, and California Department of  
Corrections and Rehabilitation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

**VICTOR PARRA, Jr.,**

Plaintiff,

**v.**

**R. HERNANDEZ, et al.,**

Defendants.

08CV0191 H CAB

**NOTICE OF MOTION AND  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT BY  
DEFENDANT CDCR**  
[Fed. R. Civ. P. 12(b)(6)]

Hearing: August 11, 2008  
Time: 9:00 a.m.  
Courtroom: E  
Judge: The Honorable  
Cathy Ann  
Bencivengo

**NO ORAL ARGUMENT REQUIRED**

**TO VICTOR PARRA, Jr., PLAINTIFF IN PRO SE:**

Please take notice that on August 11, 2008, at 9:00 a.m., in the above-referenced court,  
located at 940 Front Street, San Diego, California, 92101, Defendant California Department of

1 Corrections and Rehabilitation (CDCR)<sup>1/</sup> will move the Court for an order dismissing CDCR  
2 from the Complaint.

3 The Motion to Dismiss is made pursuant to Federal Rule of Civil Procedure 12(b)(6) on the  
4 ground Plaintiff failed to state a claim for which relief may be granted.

5 The motion is based on this Notice of Motion and Motion, the accompanying Memorandum  
6 of Points and Authorities, and such other matters as the Court deems appropriate.

7 Dated: July 10, 2008

8 Respectfully submitted,

9 EDMUND G. BROWN JR.  
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10 DAVID S. CHANEY  
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- 27 1. Defendants P. Cowan, R. Hernandez, W. Liles and R. Limon previously filed a  
28 motion to dismiss which is scheduled to be heard on July 22, 2008. Cota remains  
unserved.